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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,233	06/22/2001	Randy D. Blakely	VBLT-007US	7536

7590 10/03/2002
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EXAMINER

PARAS JR, PETER

ART UNIT PAPER NUMBER

1632

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/888,233

Applicant(s)

BLAKELY ET AL.

Examiner

Peter Paras

Art Unit

1632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-100 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-100 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 15-20, 27-28, and 43-64, drawn to a method of screening substances in a recombinant *C. elegans* that affect neuronal viability wherein the substance is a neurotoxic substance, classified in class 800, subclass 3.
- II. Claims 15-16, 21-28, and 43-64, drawn to a method of screening substances in a recombinant *C. elegans* that affect neuronal viability wherein the substance is a neuroprotective substance, classified in class 800, subclass 3.
- III. Claims 15-16, 27-30, and 43-64, drawn to a method of screening substances in a recombinant *C. elegans* that affect neuronal viability wherein the substance is encoded by a polynucleotide, classified in class 800, subclass 3.
- IV. Claims 15-16, 31-32, and 43-64, drawn to a method of screening substances in a recombinant *C. elegans* that affect neuronal viability wherein the substance is polypeptide, classified in class 800, subclass 3.
- V. Claims 15-16, 33, and 43-64, drawn to a method of screening substances in a recombinant *C. elegans* that affect neuronal viability wherein the

substance is a naturally occurring product, classified in class 800, subclass 3.

- VI. Claims 15-16, 34-39, and 43-64, drawn to a method of screening substances in a recombinant *C. elegans* that affect neuronal viability wherein the substance is a man-made chemical, classified in class 800, subclass 3.
- VII. Claims 15-16, 33, and 43-64, drawn to a method of screening substances in a recombinant *C. elegans* that affect neuronal viability wherein the substance is an environmental toxin, classified in class 800, subclass 3.
- VIII. Claims 65-77, drawn to a method of screening substances that can inhibit neuronal cell death, classified in class 800, subclass 3.
- IX. Claims 78-91, drawn to a method of screening substances to identify a substance that can be used for prevention and or therapy of neurodegenerative diseases, classified in class 800, subclass 3.
- X. Claims 92-98, drawn to a method of screening for substances that modulate dopamine transporter function, classified in class 800, subclass 3.
- XI. Claims 99-100, drawn to a method of screening for molecules that modulate neuronal signaling comprising screening molecules in a recombinant *C. elegans* that comprises neuronal cells that have mutated or knocked out neuronal signaling components, classified in class 800, subclass 3.

It is noted that claims 1-14 are generic to Groups I-X and will be examined with respect to the elected group.

Inventions I-XI are distinct each from the other. Inventions are distinct if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions the methods of Groups I-XI have different modes of operation and different effects. The methods of Groups I-XI require the use of different reagents that have different chemical structures and require different technical consideration. The different reagents thus set forth the different modes of operation and different effects achieved in the method of each group. For example, Group I requires the use of a neurotoxin, Group III requires the use of a polynucleotide, Group IV requires the use of a polypeptide, and Group XI requires the use of a recombinant *C. elegans* that has a knocked out or mutated neuronal signaling component. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

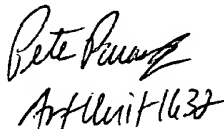
Any inquiry concerning this communication or earlier communications from the examiner(s) should be directed to Peter Paras, Jr., whose telephone number is 703-308-8340. The examiner can normally be reached Monday-Friday from 8:30 to 4:30 (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Reynolds, can be reached at 703-305-4051. Papers related to this application may be submitted by facsimile transmission. Papers should be faxed via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CM1 Fax Center numbers are (703) 308-4242 and (703) 305-3014.

Inquiries of a general nature or relating to the status of the application should be directed to Patsy Zimmerman whose telephone number is (703) 308-0009.

Peter Paras, Jr.

Art Unit 1632

Handwritten signature of Peter Paras, Jr. and the text "Art Unit 1632" written below it.